

REMARKS

In the Office Action mailed December 4, 2008, the Examiner took the following actions:

(I) objected to the title of the invention as allegedly being "not descriptive;" and

(II) rejected claims 69-95 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,110,154 to Shimomura et al. ("Shimomura '154") in view of U.S. Patent No. 6,551,270 to Bimbo et al. ("Bimbo '270").

Applicant would like to thank the Examiner, as well as Supervisory Patent Examiner Barrett, for the courtesy extended during the personal interview with Applicant's representative, Thomas Y. Ho, conducted on May 14, 2009. During the interview, the claims were discussed, along with the pending rejections and potential amendments. It was agreed upon at the interview that the rejection of claims 69-95 under 35 U.S.C. § 103(a) would be overcome by amending the independent claims to recite that the diameter of the sleeve approaches the diameter of the rings when the sleeve is shortened. The amendments and remarks submitted herewith are consistent with the issues discussed and the agreement reached during the interview.

By this reply, Applicant amends claims 69, 70, 75, 83, 88, and 93-95; cancels claims 91 and 92; and adds new claims 96-100. Accordingly, claims 69-90 and 93-100 are pending in this application. No new matter has been introduced by this reply.

(I) **Objection to the title**

On page 2 of the Office Action, the title was objected to as being "not descriptive," and a new title was required. By this reply, Applicant has amended the

title, providing a new title that is descriptive. In light of the amendment to the title, Applicant respectfully requests that this objection be withdrawn.

(II) **Rejection under 35 U.S.C. § 103(a) based on Shimomura '154 and Bimbo '270**

On page 2 of the Office Action, claims 69-95 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shimomura '154 in view of Bimbo '270. Of claims 69-95, claims 69, 75, 83, and 88 are independent. Independent claims 69, 75, 83, and 88 have each been amended. Independent claim 69 now recites, *inter alia*, "an opening through the wound retracting sleeve approaching a diameter of at least one of the distal ring and the proximal ring as the wound retracting sleeve moves from the insertion configuration to the retracting configuration;" and each of independent claims 75, 83, and 88 now recites, *inter alia*, "wherein an opening through the wound retracting sleeve approaches a diameter of at least one of the distal ring and the proximal ring as the wound retracting sleeve is shortened.." Although the amendments to the independent claims are not identical to the language recited in the Interview Summary mailed May 22, 2009, the amendments are nonetheless consistent with that language and the agreement reached during the personal interview. Accordingly, Applicant submits that neither Shimomura '154 nor Bimbo '270 disclose or suggest these aspects of independent claims 69, 75, 83, and 88, and thus the amendments overcome the rejection under 35 U.S.C. § 103(a) based on Shimomura '154 and Bimbo '270.

Furthermore, additional amendments have been made to independent claims 69, 75, 83, and 88 that further distinguish the claims from the applied references. For example, each of independent claims 69, 75, 83, and 88 now recites, *inter alia*, "a

wound retracting sleeve . . . movable from an insertion configuration to a retracting configuration to retract laterally a wound opening so that an overall amount of sleeve extending between the distal ring and the proximal ring is less in the retracting configuration than in the insertion configuration.” This feature is neither taught nor suggested by Shimomura '154. For example, Shimomura '154 discloses a skirt 110, but Shimomura '154 does not disclose that the overall amount of skirt 100 is less in one configuration than in another. See Shimomura '154, column 4, line 63; and Figs. 7 and 8. Bimbo '270 does not remedy the above-noted deficiencies of Shimomura '154, nor is Bimbo '270 cited for such a purpose. For this additional reason, Applicant submits that the amendments overcome the rejection under 35 U.S.C. § 103(a) based on Shimomura '154 and Bimbo '270.

In addition, claims 75 and 88 have been amended to recite that the central axis of the accessways converge toward one another “when the accessways are in an unstressed state;” claims 83 and 88 have been amended to recite “each of the accessways terminates distally at a location coextensive with a distal surface of the sealing member,” and claim 88 has been amended to recite the “sealing member being rotatable in a sealed manner about the proximal ring, [and] at least one of a proximal surface or a distal surface of the sealing member includes a dome-shape.” None of these newly added features or clarifications are disclosed or suggested in Shimomura '154 or Bimbo '270. Accordingly, for these additional reasons independent claims 69, 75, 83, and 88 are allowable.

For all of the above-outlined reasons, and in accordance with the agreement reached at the personal interview, Applicant requests reconsideration and withdrawal of

the rejection of independent claims 69, 75, 83, and 88, and the timely allowance of those claims.

Claims 70-74, 76-82, 84-87, 89, 90, and 93-100 depend from one of independent claims 69, 75, 83, and 88, and are therefore allowable for at least the same reasons that the independent claims are allowable. In addition, the dependent claims recite unique combinations that are neither taught nor suggested by the cited art, and therefore are also separately patentable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: _____



Thomas Y. Ho
Reg. No. 61,539
(202) 408-4000